

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THURMAN HARVEY HINES,)
)
)
Plaintiff,)
)
v.) Case No. CIV-17-642-R
)
JOE ALLBAUGH, et. al.,)
)
)
Defendants.)

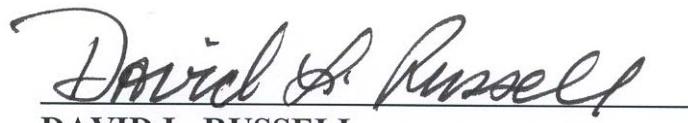
ORDER

Before the Court is Plaintiff's timely objection (Doc. No. 47) to the Report and Recommendation of Magistrate Judge Shon T. Erwin (Doc. No. 46), wherein Judge Erwin recommends the Court deny Plaintiff's Motion for Temporary Restraining Order (Doc. No. 23). The Court has conducted the requisite *de novo* review of the matter in light of Plaintiff's objection, and finds that Plaintiff is not entitled to a temporary restraining order or a preliminary injunction as set forth in the Report and Recommendation.¹ It appears from the initial motion that the relief Plaintiff seeks via the motion is transfer to North Fork Correctional Center, as well as a request to require that prison officials stop allegedly unconstitutional practices and to establish certain programs or practices. The motion, however, fails to meet the heavy burden required to entitle him to preliminary injunctive relief. Although Plaintiff may ultimately prevail on his claims that certain conditions of his

¹ The Court notes at the outset, that to the extent Plaintiff's objection references his amended complaint, filed on November 21, 2017, this reliance is inappropriate, as the Report and Recommendation was issued on the same date as the filing of the amended complaint. The Court further notes that it grants liberal construction to Plaintiff's *pro se* pleadings in accordance with *Haines v. Kerner*, 404 U.S. 519 (1972), however, the Court will not craft arguments for Plaintiff.

confinement are unconstitutional, which may entitle him to prospective injunctive relief at that time, as of this juncture he has not established that he is entitled to such relief or that the Report and Recommendation is in error. Accordingly, Plaintiff's Motion for Temporary Restraining Order (Doc. No. 23) is hereby DENIED.

IT IS SO ORDERED this 7th day of February 2018.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE